

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICK A YOUNG,

Plaintiff,

v.

CUS VAN OGLE, *et al.*,

Defendants.

Case No. C04-5080FDB

ORDER ADOPTING REPORT AND
RECOMMENDATION and DENYING
MOTION FOR ORDER DIRECTING
PAYMENT OF COSTS FROM
PLAINTIFF'S SAVINGS ACCOUNT

Plaintiff is an inmate who was incarcerated at the Stafford Creek Corrections Center and who was placed in segregation, and less than 24 hours later was placed in a holding cell for 12 hours for observation as the staff had a concern that he was suicidal. Plaintiff does not contest the constitutionality of his placement in the holding cell. He complains that the 1" thick mattress exacerbated his physical ailments and rendered him unable to walk, he complains the cell was cold; later, he was carried halfway to a new cell then placed on a gurney, he was placed on a folded mattress on the bunk in the new cell.

The Magistrate Judge concluded that there was no violation of the Eighth Amendment with regard to the conditions of Plaintiff's confinement, that excessive force was used, or that he was

1 treated with deliberate indifference as to his serious medical needs. The Magistrate Judge
2 recommends dismissal of this cause of action. Plaintiff has filed a long response reiterating his
3 contentions and asserting that the Magistrate Judge had exhibited deep-seated prejudice against him
4 and his abused his discretion.


5 The Court having reviewed the Report and Recommendation, Plaintiff's Response objecting
6 to the R&R, and being familiar with the record herein, concludes that Plaintiff's objections are
7 without merit.

8 Plaintiff moves for an order directing payment of costs from his savings account. Department
9 of Corrections policy limits access to this savings account, and the Court is not inclined under these
10 circumstances to allow Plaintiff to utilize these monies for the purpose of paying costs for this
11 lawsuit.

12 ACCORDINGLY, IT IS ORDERED:

- 13 1. The Court adopts the Report and Recommendation;
- 14 2. Plaintiff's "Motion for Overlength Reply" [Dkt. # 61] is GRANTED;
- 15 3. Plaintiff's "Motion for Order Directing Payment of Costs From Plaintiff's Savings
16 Account" [Dkt. # 62] is DENIED.

17
18 DATED this 6th day of June, 2005.

19 
20 FRANKLIN D. BURGESS
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26